

EXHIBIT

A

Robert D. Kline)	IN THE COURT OF COMMON
)	PLEAS, MIFFLIN CO, PA
PLAINTIFF)	CIVIL ACTION - LAW
)	NO. CV - 978 - 2018
V.)	
All Fundy Capital, LLC & Todd Bullard)	
)	
DEFENDANTS)	

Notice

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

MIDPENN LEGAL SERVICES
3 WEST MONUMENT SQAURE, SUITE 303
LEWISTOWN, PA 17044
(717) 248-3099

FILED
MIFFLIN COUNTY
2018 OCT -9 AM 10:45
PROTHONOTARY
CLERK OF COURTS

Robert D. Kline

PLAINTIFF

V.

All Fundy Capital, LLC & Todd Bullard

DEFENDANTS

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PLAINTIFF'S COMPLAINT

FACTS COMMON TO ALL COUNTS

1. Plaintiff, **Robert D. Kline**, is an adult individual who at all times relevant herein has a residence at 2256 Fairview Road, McClure, PA 17841.

2. Plaintiff, upon information and belief, hereby alleges that at all times mentioned herein Defendant **All Fundy Capital, LLC TDBA All Fundy Business Lending ("Fundy")**. is a for profit LLC located at 155 N. Riverview Dr, Suite 100 Anaheim Hills CA, 92808 with commercial office space located at All Fundy Capital, LLC c/o A Registered Agent, Inc., 8 The Green, Ste A, Dover, DE 19901 and is engaged in, inter alia, offering loans to potential clients via telemarketing.

3. Defendant, **Todd Bullard ("Bullard")**, is the manager of Defendant Fundy and has office space for all times relevant herein located at 155 N. Riverview Dr, Suite 100 Anaheim Hills CA, 92808.

4. Plaintiff, upon information and belief, hereby alleges that at all times

mentioned herein that Defendant Fundy is a "person" as defined by 47 U. S. C. §153(39).

5. Plaintiff believes and therefore avers that Defendants are engaged in, inter alia, the illegal telemarketing of various merchant cash advance type loans to various individuals and companies via the telephone by calling them without permission as further described herein below.

6. Plaintiff avers that Defendants and/or their agents use an "automatic telephone dialing system" ("ATDS") type equipment which has the capacity—(1) to store numbers to be called or (2) to produce numbers to be called, using a random or sequential number generator—and to dial such numbers automatically even if the system must be turned on or triggered by a person which enables them to make automatic calls to potential clients.

7. Such activities are done in violation of 47 U.S.C. 227 et seq. which is commonly known as the Telephone Consumer Protection Act ("TCPA").

8. The initial phone call placed by Defendants and/or their agents, subcontractors, employees to Plaintiff's cell phone as well as subsequent phone calls to Plaintiff utilized an ("ATDS") as defined by 47 U.S.C. §227 (a)(1).

9. Plaintiff avers, since Defendants' ATDS has the capacity to store or produce telephone numbers to be called which uses a random or sequential number generator to make calls in violation of 47 U.S.C. §227 (b)(1)(A) et seq., when clients answer they are at times played a prerecorded message and/or hear various electronic blip noises as well as "dead air" prior to an agent answering.

10. Plaintiff avers that Defendant Bullard supervises and manages the business and activities of Defendant Fundy as well as their other agents and subcontractors which he knows or should know regularly uses cell phone solicitation via ATDS machines, prerecorded calls as well as other repetitive live calls to various phones which are done without the permission of the person called, all of which are actions that are illegal under the TCPA for which he has vicarious liability and is personally liable.

11. Plaintiff avers that he is not a customer of any of the Defendants, nor has Plaintiff ever purchased or used any goods or services offered by the Defendants. Plaintiff further avers that he has never given his expressed written permission for Defendants to call him at any time prior to the filing of this Complaint.

12. When Congress enacted the TCPA, they found, inter alia, that automated calls and prerecorded messages are a "nuisance," and an "invasion of privacy," and that the subscriber may have to pay for each call.

13. Defendants' phone calls constituted calls that were not for emergency purposes as illuminated in 47 U.S.C. §227 et seq.

14. The phone calls described herein which were generated by Defendants and/or its agents to Plaintiff specifically violated 47 U. S. C. §227(b)(1)(a)(iii) and are ATDS/robo telemarketing calls.

15. Defendants, in their quest to make money, have failed to use phone lists that were "scrubbed" as well as review the federal "Do Not Call Registry" to ensure legal compliance in their telemarketing operations and have thus willfully

and knowingly violated the TCPA by not doing so.

COUNT I - VIOLATION OF 47 U.S.C. 227 et seq.

16. Plaintiff incorporates by reference each proceeding and succeeding paragraph as though fully set forth herein.

17. On or about August 8, 2018 between 1 PM and 2 PM Plaintiff answered his cell phone (570-658-3448) and listened in silence until an electronic "blip" was heard and a male voice who introduced himself as Todd answered who offered the Plaintiff a cash advance loan.

18. During the telemarketing call referenced in Paragraph (17) above Plaintiff Todd identified himself as Defendant Bullard and was given further details relating to a loan to include the fact that he was from Defendant Fundy.

19. The call referenced herein thus far was done without Plaintiff's expressed written permission and has caused injury in fact in that plaintiff had to stop what he was doing to answer the phone call and deal with the general annoyance and mental disruption.

20. Since the calling of the Plaintiff as described under Count I was a telemarketing call and made without written expressed permission of Plaintiff which used an ATDS/Robo technology, Defendants have violated 47 U.S.C. 227 et seq. which entitles the Plaintiff to statutory damages of Five Hundred Dollars (\$500.00).

21. Given the call described herein this Count I was made with ATDS type equipment, it is apparent that the call was made knowingly and willfully which subjects Defendants to damages of One Thousand Five Hundred Dollars

(\$1500.00).

WHEREFORE, PLAINTIFF demands judgment against Defendants in the amount of One Thousand Five Hundred Dollars (\$1500.00) plus the costs of this action.

COUNT II - TRESPASS TO CHATTELS

22. Plaintiff incorporates by reference each proceeding and succeeding paragraph as though fully set forth herein.

23. Plaintiff pays money to AT&T for the cell phone service ("his calling plan") and various calls he makes or receives on his phone, therefore, his calling plan and cell phone for all purposes herein are his personal property.

24. The phone calls which are identified and described in Count I herein were made illegally by or through Defendants or their agents, employees or subcontractors to Plaintiff and were unwanted and unsolicited by Plaintiff. The aforementioned calls illegally tie up Plaintiff's phone which is an annoyance and wears the battery during the course of the day which diminishes Plaintiff's ability to receive the calls he wants to receive, all of which cause injury in fact.

25. Since said phone service described above is for all purposes herein Plaintiff's personal property to use as he sees fit and Defendants' calls to Plaintiff were made without his permission, the Defendants are liable for trespass to chattels.

26. Since Plaintiff has had his property damaged by Defendants and suffered injury in fact he is entitled to seek money damages from Defendants in the amount of One Dollar (\$1.00).

WHEREFORE, PLAINTIFF demands judgment against Defendants in the amount of One Dollar (\$1.00) plus the costs of this action.

COUNT III – INVASION OF PRIVACY

27. All preceding and succeeding paragraphs are hereby incorporated as though fully pleaded herein.

28. Plaintiff avers that Defendants, in their quest to make money in their campaign, do not use “scrubbed” lists of phone numbers which are free from cell phone numbers.

29. Defendants are a sophisticated telemarketing organization that acts volitionally, plays the odds, ignores the rights of the Plaintiff as well as others and seems to be undeterred despite having been in violation of the law in numerous ways.

30. Given all the averments pleaded in this suit thus far, Plaintiff considers the methods of conducting business and actions of the Defendants that are described herein to be outrageous and highly offensive that caused the Plaintiff anxiety, mental distress as well as loss of joy of life which constitute injury in fact.

31. Defendants, by knowing and willfully engaging in the illegal behaviors described herein, especially in light the legislation enacted by Congress, have thereby manifested intentional, wanton, reckless conduct that exceeds the limits of gross negligence which would absolutely be highly offensive to a reasonable person and constitutes invasion of privacy which U.S. Congress has affirmed violates the intent of the TCPA.

32. Plaintiff has been damaged in the amount of Ten Thousand Dollars

✓ (\$10,000.00) .

WHEREFORE Plaintiff demands judgment against Defendants in the amount of Ten Thousand Dollars (\$10,000.00) plus the costs of this action.

Respectfully submitted,



Robert D. Kline, J. D.
2256 Fairview Road
McClure, PA 17841
Plaintiff pro se
570-658-3448

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provision of the Public Access Policy of the Unified Judicial System of Pennsylvania; Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents



Robert D. Kline, J. D. - Plaintiff
2256 Fairview Road
McClure, PA 17841
570-658-3448

October 6, 2018

FILED
MIFFLIN COUNTY
2018 OCT -9 AM 10:45
PROTHONOTARY
CLERK OF COURTS

VERIFICATION

The undersigned verifies that the statements he made in the foregoing Plaintiff's Complaint are true and correct to the best of his knowledge, information and belief and I understand that statements made there are subject penalties of 18 Pa. C. S. A. § 4904 relating to unsworn falsification to authorities.



Robert D. Kline, J. D. - Plaintiff
2256 Fairview Road
McClure, PA 17841
570-658-3448

October 6, 2018

CERTIFICATE OF SERVICE

On October 6, 2018 the Plaintiff has caused a copy of Plaintiff's Complaint to be served by first class regular mail postage prepaid on the defendants listed below addressed as follows:

Todd Bullard
155 N. Riverview Dr, Suite 100
Anaheim Hills CA, 92808

All Fundy Capital, LLC c/o
A Registered Agent, Inc.
8 The Green, Ste A
Dover, DE 19901

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MIFFLIN COUNTY



Robert D. Kline, J. D. - Plaintiff
2256 Fairview Road
McClure, PA 17841
570-658-3448

Robert D. Kline

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MIFFLIN COUNTY
2018 AUG 22 PM 2:17
PROTHONOTARY
CLERK OF COURTS

TO THE PROTHONOTARY

PRAECIPE TO ISSUE WRIT OF SUMMONS

Please issue a writ of summons in the above case to each Defendant with the following addresses:

Todd Bullard
155 N. Riverview Dr, Suite 100
Anaheim Hills CA, 92808

All Fundy Capital, LLC c/o
A Registered Agent, Inc.
8 The Green, Ste A
Dover, DE 19901

Plaintiff will make service on out of state defendant(s) consistent with the Pennsylvania Rules of Civil Procedure.

August 22, 2018



Robert D. Kline, J. D. - Plaintiff
2256 Fairview Road
McClure, PA 17841
Telephone 570-658-3448

Robert D. Kline

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FILED
MIFFLIN COUNTY
2018 AUG 22 PM 2:17
PROTHONOTARY
CLERK OF COURTS

WRIT OF SUMMONS

To: All Fundy Capital, LLC & Todd Bullard

YOU ARE NOTIFIED THAT THE ABOVE-NAMED PLAINTIFF HAS
COMMENCED A CIVIL ACTION AGAINST YOU.

Jimmy Stuck
Prothonotary/Clerk, Civil Div.

August 22, 2018

Deputy

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provision of the Public Access Policy of the Unified Judicial System of Pennsylvania; Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.



Robert D. Kline, J. D. - Plaintiff
2256 Fairview Road
McClure, PA 17841
570-658-3448

Kline v. All Fundy Capital, LLC et al.

August 22, 2018

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

MIFELIN

County

For Prothonotary Use Only:

Docket No:

CP-44CV-978-18

TIME STAMP

2018 AUG 22 PM 2:17

PROTHONOTARY
CLERK OF COURTS

MIFELIN COUNTY

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

- ☐ Complaint ☒ Writ of Summons
☐ Transfer from Another Jurisdiction

- ☐ Petition
☐ Declaration of Taking

Lead Plaintiff's Name:

Robert D. Kline

Lead Defendant's Name:

All Fundy Capital, LLC

Are money damages requested? ☐ Yes ☒ NoDollar Amount Requested: ☐ within arbitration limits
(check one) ☐ outside arbitration limitsIs this a Class Action Suit? ☐ Yes ☒ NoIs this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney:

☒ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

- ☐ Employment Dispute:
 Discrimination
☐ Employment Dispute: Other

☐ Other:**CIVIL APPEALS**

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

- ☐ Zoning Board
☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☒ Other:
 27 U.S.C. 227
 TCPA